MOTOR TRANSPORT BOARD

ANNUAL REPORT
1988-89

Yukon
Community and Transportation Services

90-05742/

Yukon

Motor Transport Board
Box 2703, Whitehorse, Yukon Y1A 2C6
(403) 667-5811 Telex 036-8-260

3204-1

Our File:
Your File:

1988 05 29

The Hon. Maurice Byblow
Minister
Community and
Transportation Services
Government of Yukon
P.O. Box 2703
Whitehorse, YK
Y1A 2C6

Dear Mr. Byblow:

I take pleasure in submitting the Annual Report of the Yukon Motor Transport Board for the year ending March 31, 1989.

Please note that Section 11.(2) of the Motor Transport Act requires this report be tabled at the next sitting of the Legislative Assembly.

Respectfully submitted,

J.H. Yamada
Chairman
Motor Transport Board

Attach.

LMA/mr

MOTOR TRANSPORT BOARD

ANNUAL REPORT

For the Year Ending

March 31, 1989

Motor Transport Act

Section 11

1. THE BOARD

Statutory Authority

The Motor Transport Board is appointed under authority of Section 3 of the Motor Transport Act.

Membership

Chairman	J. H. Yamada
Vice Chairman	Arthur Christensen
Member	Jean Murphy
Member	Byrun Shandler
Member	Dan Finch

Staff

Secretary	Robert Z. Iwanicki Lynn M. Alcock
Assistants to the Secretary	Kim Bicudo and Marilee McDonald

Office Location

Lynn Building, 308 Steele Street
Department of Community and
Transportation Services
Whitehorse, Yukon

Mailing Address

P.O. Box 2703
Whitehorse, Yukon
Y1A 2C6

Telephone

(403) 667-5782

Reporting

The Board reports to the Minister of Community and Transportation Services.

2. THE BOARD'S MANDATE

The Board's primary mandate is to maintain a regulatory delivery system that is responsive to the interests of motor transport carriers and the general public. This is accomplished through the active participation of the Board and its support staff in the new application process for Operating Authority as legislated under the Motor Vehicle Transport Act (1987) and the Motor Transport Act (1988). Both Acts implement strong fitness and safety criteria for commercial highway transportation particularly in light of the move to deregulation.

The overall objective of the Board is to ensure that an adequate highway transportation system is maintained to provide reliable and efficient service to Yukon consumers, to allow the development of a sound economic and social framework in Yukon and to protect the public interest.

3. THE REGULATORY PROCESS

The implementation of the federal MVTA and the territorial MTA in January and September 1988 introduced a completely new application process for intra and extra territorial truck and bus undertaking. The new legislation simplified the regulatory process by eliminating the need for a public hearing for each new applicant for Operating Authority. The reverse-onus principle was introduced which shifted the burden of proof from the applicant for Operating Authority to the objector to the application. Public Hearings are held only when the objector has filed an objection to the Board which satisfies the public interest criteria identified in both Acts; otherwise, if the applicant is deemed to be fit, willing and able, the Board will perform a final review and authorize the granting of a Certificate of Operating Authority.

With the implementation of the two Acts, the Board and its support staff undertook the rigorous task of revising application forms, developing an information package for authority holders, assisting with a public workshop for motor carries, completing a Utilization Review of all Authority Holders and lastly, conducting a Commodity Code Survey of all Authority holders to update all Certificates. The Board is presently developing polices and procedures and will continue to do so as new situations arise.

4. BOARD ACTIVITY: APRIL 1, 1988 - MARCH 31, 1989

a) Budget

The Board's expenditures were as follows:

	1988/89	1987/88
Travel	$ 1,419.00	$ 3,305.00
Honoraria	12,796.00	10,450.00
Legal Consultation	6,269.00	750.00
Public Hearing Expenses	4,414.00	945.00
Advertising	4,399.00	3,303.00
Communications, Supplies & Miscellaneous Expenses	3,245.00	1,193.00
TOTAL	**$36,728.00**	**$19,946.00**

The increased expenditures, in particular legal consultation and public hearing expenses, are a result of the development and implementation of the federal and territorial transportation legislation in 1988. Legal counsel advised the Board on various policies and legislative interpretation. The new semi-judicial format for the Public Hearing required the assistance of legal counsel for the establishment of guidelines for all parties, legal representation for the Board as well as taping and typing services for the transcripts.

In addition, the Board's Secretary and other staff were supplied by the Department of Community and Transportation Services.

b) Public Hearings

As a result of the new legislation, public hearings were held to consider applications for operating authority only when valid objections were received. These public hearings introduced the more formal format to allow presentations by counsel, taping of proceedings and defined procedures for all parties. Transcripts are subsequently typed and available when required. Only one application went to Public Hearing under reverse-onus and was denied. The Supreme Court is presently reserving judgement on the appeal submitted by Adanac Moving Systems Ltd. regarding the Board Order to deny its application for Operating Authority.

4. BOARD ACTIVITY: APRIL 1, 1988 - MARCH 31, 1989 (continued)

c) Business Meetings

The Board conducted business meetings involving 19 1/2 days to review applications for operating authority, to discuss and develop policy and procedures, to perform the Utilization Review and Commodity Code Review and consider miscellaneous items. Considerable time was spent consulting with legal counsel and Departmental officials during the development of the Motor Transport Licensing Regulations and to discuss the impact of the new legislation on the industry.

d) Certificates and Temporary Certificates

The Board conducted a Utilization Review of all Certificates prior to the implementation of the new Motor Transport Act. As a result, 77 Certificates were revoked for non-utilization. There were 313 certificates in force at year-end. A comprehensive list of certificate holders and the authority conferred by their certificates is updated regularly and available through the Board Secretary.

A total of 297 Public Carrier Single Trip Permits were issued prior to October 4, 1988 with 100 Temporary Certificates issued from October until year end under the new legislation.

e) Review of Certificates

The Board continues to review certificates on an individual basis in accordance with section 43 of the MTA.

f) Policy Development

The Board initiated a complete review of its' policies and procedures following the implementation of the MTA. This process will be ongoing as new developments occur.

5. GENERAL

The members wish to thank those employees in the Department of Community and Transportation Services who provided support during the year.

Respectfully submitted,

J. H. Yamada
Chairman
Motor Transport Board

Date: May 29, 1989